

Serial No. 09/509,872
Art Unit 2665

Remarks

Claims 1, 5, 6, 8 and 12 have been amended and claim 10 cancelled. Claims 1-8 and 11-21 remain in the application. Reexamination and reconsideration of the application as amended are requested.

In the Office Action of August 24, 2004 the Examiner has rejected claims 5 and 6 under 35 U.S.C. 112 as being indefinite. The Examiner will note that the dependency of claims 5 and 6 has been changed and it is believed that these claims are now in compliance with the requirements of 35 U.S.C. 112.

Claims 1-8 and 10-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,085,238 in view of U.S. Patent 6,173,399. Reconsideration of these rejections in light of the claim amendments herein and the following discussion is respectfully requested.

It is well established that to support a rejection under 35 U.S.C. 103(a) the cited references must combine to disclose each and every element of the rejected claim. A mere combination is not sufficient but there must be teaching or suggestion that would make the combination obvious.

In the present case U.S. Patent 6,085,238 to Yuasa et al., relates to a local area network architecture having methods and systems "for automatically reconfiguring a network in response to a move of terminals etc., and supporting the transmission quality of a transmission band, delayed time etc., on demand." See column 1, lines 20-24 for the above quote. Also, at column 1, lines 29-32 it is stated that "the invention relates to a virtual network switching system for mapping logical network segments to physical traffic segments for enabling dynamic reconfiguration."

It is respectfully submitted that the physical reconfiguration of elements of a LAN network is not in the same field of endeavour as a packet forwarding entity for use in forwarding instances of service to distinct and isolated user networks based on information in forwarding rules wherein the forwarding rules are calculated based on routing, topology and policy information. The Examiner has admitted that the primary reference relates to only a portion of the main claims and has relied on U.S. Patent 6,173,399 to allege that the remaining elements of the claim are disclosed in the prior art.

It is respectfully submitted that the conclusions drawn by the Examiner are not supported by the references. The Gilbrech reference discloses local area network units

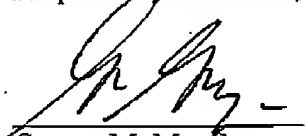
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which are installed at either end of the internet or other unsecure network space. The LAN units examine incoming packets with respect to their source and destination addresses and if their addresses are located in a lookup table as being in the same user network the packets pass through the LAN unit and the Internet to a downstream LAN unit through which they are directed to the end user. The lookup tables specify compression and encryption protocols for the packets. The lookup tables, however, do not provide any routing information but merely determine whether the packets belong to a particular user network.

As stated previously to support a rejection under 35 U.S.C. 103(a) each and every element of the claim must be disclosed in the prior art. It is respectfully submitted that the prior art cited by the Examiner fails to meet this test.

In view of the foregoing it is believed that the claims presently on file are in condition for allowance. Favourable reconsideration and action to this end is earnestly solicited.

Respectfully submitted,



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